

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-1205-2019

Date of decision:-28.03.2019

Vikram

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Vijay Sangwan, Advocate for the petitioner.

Mr. Siddharth Sanwaria, DAG, Haryana.

Mr. Abhimanyu Singh, Advocate for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This is the second petition preferred under Section 439 Cr.P.C. seeking concession of regular bail to the petitioner pending trial in FIR No. 350 dated 09.08.2017 under Sections 302, 392, 34 IPC and Section 25 of Arms Act, 1959, registered at Police Station Sohna, District Gurugram (Haryana).

Counsel for the parties have been heard.

FIR came to be registered on the statement of Subedar Karan Singh. Deceased is Ved Pal i.e. son of the complainant.

Precise allegations are that on 09.08.2017, present petitioner as also co-accused Sundar caught hold the hands of Vedpal (since deceased) and thereby facilitated main accused, namely, Mundar in firing gun shot from a country-made pistol in the head of the deceased.

Undoubtedly, prosecution version and allegations *prima facie* stand corroborated from medical evidence.

Petitioner was arrested on 12.08.2017.

The first petition preferred by the petitioner i.e. CRM-M-15713 of 2018 was dismissed by this Court on 24.04.2018 on the ground that complainant Subedar Karan Singh, father of the deceased and who will be seen as the material witness, is yet to be examined before the Trial Court.

During the course of hearing today it has gone uncontroverted that complainant Subedar Karan Singh has been examined before the Trial Court on 20.03.2019.

Petitioner has faced incarceration since 12.08.2017.

Material witness i.e. the complainant in the present case has already been examined.

State counsel upon instructions from ASI Satpal Singh, PS Sohna, Distt. Gurugram, would submit that out of total 21 prosecution witnesses cited, 7 witnesses have already been examined.

In view of the above and without going into the merits of the case, this Court is of the considered view that the petitioner is entitled to the benefit of bail.

Petitioner namely Vikram be released on bail subject to furnishing the bailbonds to the satisfaction of the trial Court/Duty Magistrate.

Liberty however is granted to the State to move application for cancellation of bail in the eventuality of the petitioner making any attempt to hamper the course of a free and fair trial.

(TEJINDER SINGH DHINDSA)
JUDGE

28.03.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No